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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 HENRY PENNINGTON,

10 Petitioner,

11 vs.

12 SHERIFF GILLESPE, et al.,

13 Respondents.
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Case No. 3:13-cv-00254-HDM-VPC

ORDER

15 The court directed petitioner to show cause why this action should not be dismissed because
16 he did not appear to be subject to a judgment of conviction of a state court, nor did he appear to be
17 in the physical custody of respondents. Order (#5). The court has tried to send this order to
18 petitioner at two addresses, and both times the mail was returned. Petitioner has failed to comply
19 with Local Rule LSR 2-2, which requires him to inform the court promptly of any changes in his
20 mailing address.

21 Reasonable jurists would not find this decision to be debatable or wrong, and the court will
22 not issue a certificate of appealability.

23 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for
24 plaintiff's failure to inform the court of his current address. The clerk of the court shall enter
25 judgment accordingly.

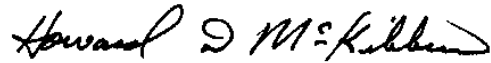
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1 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

2 DATED: December 3, 2013.

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HOWARD D. MCKIBBEN
United States District Judge